

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed November 23, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

UCB Pharma S.A.
Junior Party
(Application 10/938,117,
Inventors: John Robert Adair, Diljeet Singh Athwal and
John Spencer Emtage),

v.

PDL Biopharma, Inc.,
Senior Party
(Patent 6,180,370,
Inventors: Cary L. Queen, Man Sung Co, William P. Schneider,
Nicholas F. Landolfi, Kathleen L. Coelingh and Harold E. Selick).

Patent Interference No. 105,705 (RES)
(Technology Center 1600)

DECLARATION - 37 CFR § 41.203(b)

Part A. Declaration of interference

1 An interference is declared (35 U.S.C. § 135(a)) between the above-
2 identified parties. Details of the application(s), patent (if any), reissue application
3 (if any), count(s) and claims designated as corresponding or as not corresponding
4 to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Richard Schafer has been designated to manage the interference. 37 CFR § 41.104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for 4:00 p.m. on January 19, 2010 (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR § 41.120; 37 CFR § 41.204; SO ¶¶ 104.2.1, 120 & 204) the party desires to file.

The time periods for taking action during the motion phase are set in an order accompanying this declaration.

Part E. Identification and order of the parties

Junior Party

Named inventors: John Robert Adair
Diljeet Singh Athwal
John Spencer Emtage

Involved Application: 10/938,117

Title: Humanized Antibodies

Assignee of record: UCB Pharma S.A.
60 Allée De La Recherche
Brussels, Belgium B-1070

Senior Party

Named Inventors: Cary L. Queen
Man Sung Co
William P. Schneider
Nicholas F. Landolfi
Kathleen L. Coelingh
Harold E. Slick

Involved Patent: 6,180,370

Title: Humanized Imminoglobulins and Methods of Making the same

Assignee: PDL Biopharma, Inc.
34801 Campus Drive
Fremont, California 94555

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO & 154.2.1. The senior party is responsible for initiating settlement discussions. SO & 126.1.

Part F. Count and claims of the parties

Count 1

A substantially non-immunogenic humanized immunoglobulin useful in treating human disorders susceptible to monoclonal antibody therapy having complementarity determining regions (CDRs) from a donor immunoglobulin and heavy and light chain variable region frameworks from human acceptor immunoglobulin heavy and light chain frameworks, which humanized immunoglobulin specifically binds to an antigen with a binding affinity of at least 10^8 M^{-1} wherein said humanized immunoglobulin comprises amino acids from the donor immunoglobulin framework outside the hypervariable regions or outside both the Kabat CDRs and the structural loop CDRs of the variable regions, wherein the donor amino acids replace corresponding amino acids in the acceptor immunoglobulin heavy or light chain frameworks, and each of said donor amino acids is adjacent a CDR in the donor immunoglobulin sequence or is capable of

1 interacting with the CDRs, or is typical as its position for human immunoglobulin
2 sequences wherein said humanized immunoglobulin is a complete antibody
3 molecule, having full length heavy and light chains; a fragment thereof; a light
4 chain or heavy chain monomer or dimer; an antibody tetramer, or a single chain
5 antibody.

6
7 The claims of the parties are:

8	Patent 6,180,370:	Claims 1-30
9	Application: 10/938,117:	Claims: 24, 26, 27 and 29

10 The claims of the parties which correspond to Count 1 are:

11	Patent 6,180,370:	Claims 9-24, 28-30
12	Application: 10/938,117:	Claims: 24, 26, 27 and 29

13 The claims of the parties which do not correspond to Count 1, and therefore
14 are not involved in the interference, are:

15	Patent 6,180,370:	Claims 1-8, 25-27
16	Application: 10/938,117:	Claims None

17 The parties are accorded the following benefit for Count 1:

18	Patent 6,180,370:	None
19	Application: 10/938,117:	None

1 Part G. Heading to be used on papers

2 The following heading must be used on all papers filed in this interference,

3 see SO ¶ 106.1.1:

Filed on behalf of: *Party @.*

Paper No: *Leave blank*

By: *Counsel Name(s) @*

Address @

(@ @ @) @ @ @ - @ @ @ @ (telephone)

(@ @ @) @ @ @ - @ @ @ @ (facsimile)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

UCB Pharma S.A.

Junior Party

(Application 10/938,117,

Inventors: John Robert Adair, Diljeet Singh Athwal and
John Spencer Emtage),

v.

PDL Biopharma, Inc.,

Senior Party

(Patent 6,180,370,

Inventors: Cary L. Queen, Man Sung Co, William P. Schneider,
Nicholas F. Landolfi, Kathleen L. Coelingh and Harold E. Selick).

Patent Interference No. 105,705 (RES)

(Technology Center 1600)

Title of Paper

1
2 Part H. Order form for requesting file copies

3 When requesting copies of files, use of SO Form 4 will greatly expedite
4 processing of the request. Please attach a copy of Parts E and F of this
5 DECLARATION with a hand-drawn circle around the patents and applications for
6 which a copy of a file wrapper is requested.

 /Richard E. Schafer/
 Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy of claims of Application 10/938,117

cc (via overnight delivery):

Attorney for PDL Biopharma, Inc.:

Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco CA 94111-3834

Attorney for UCB Pharma S.A.:

Cozen O'Connor, P.C.
1900 Market Street
Philadelphia PA 19103-3508